

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JULIO SANDOVAL,

Plaintiff,

v.

DIAZ, *et al.*,

Defendants.

No. 1:20-cv-01314-DAD-BAM (PC)

ORDER DENYING PLAINTIFF'S MOTION
FOR RECONSIDERATION

(Doc. No. 37)

Plaintiff Julio Sandoval is a state prisoner who proceeded *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On October 5, 2021, the undersigned issued a corrected order adopting in part the magistrate judge's findings and recommendations and dismissed the federal claims in this action, with prejudice, due to plaintiff's failure to comply with Federal Rule of Civil Procedure 8, declined the exercise of supplemental jurisdiction over plaintiff's state law claims, and dismissed the state law claims, without prejudice. (Doc. No. 35.) Judgment was entered accordingly the same date. (Doc. No. 36.)

Currently before the court is plaintiff's motion for reconsideration, filed October 25, 2021. (Doc. No. 37.)

Federal Rule of Civil Procedure 60(b) governs the reconsideration of final orders of the district court. Rule 60(b) permits a district court to relieve a party from a final order or judgment

1 on grounds of: “(1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered
2 evidence . . .; (3) fraud . . . of an adverse party; (4) the judgment is void; (5) the judgment has
3 been satisfied . . . or (6) any other reason justifying relief from the operation of the judgment.”
4 Fed. R. Civ. P. 60(b). Additionally, pursuant to this court’s Local Rules, when filing a motion for
5 reconsideration of an order, a party must show “what new or different facts or circumstances are
6 claimed to exist which did not exist or were not shown upon such prior motion, or what other
7 grounds exist for the motion.” Local Rule 230(j).

8 Plaintiff’s motion essentially raises arguments already presented in plaintiff’s objections
9 to the magistrate judge’s findings and recommendations, and the court has reviewed and rejected
10 the same. (*See* Doc. No. 35.) Having considered plaintiff’s moving papers, the court does not
11 find that they support relief under Rule 60(b). The court does not find that plaintiff presents any
12 new or different facts, circumstances, or evidence such that reconsideration of the prior order and
13 judgment would be appropriate.

14 Accordingly, plaintiff’s motion for reconsideration, (Doc. No. 37), is denied. This action
15 remains closed.

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17 IT IS SO ORDERED.

18 Dated: November 6, 2021

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21 UNITED STATES DISTRICT JUDGE
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